

B1 Claim 1 (Amended) A hip joint socket for insertion into bone tissue, comprising: an outer shell; and an inner antifriction liner of a ceramic material removably fixed in the metal shell by means of a taper lock having a taper lock angle (α) angle of from 10° to 25°.

REMARKS

This opportunity is taken to thank the Examiner for acknowledging the claimed for priority under 35 USC 119 acknowledging receipt of the certified copy of the priority document.

On April 27, Applicants submitted an Information Disclosure Statement and Preliminary Amendment. That submission apparently crossed in the mail with the Office Action (Paper No. 3).

Claim 1 has been amended and claim 5 has been cancelled without prejudice.

Claims 1 to 4 have been rejected under 35 USC 102 (e) as anticipated by U.S. Patent No. 5,282,864 to Noiles et al. (Noiles). It is submitted the rejection is improper and should be withdrawn.

Noiles discloses a prosthesis having a metal external shell and a metal bearing. The angle of the conical lock is stated as 6° to 17° at col. 3, line 12. Further, the metal bearing, also referred to as the "insert" is fashioned with recesses for engagement by a tool.

In the present invention, the antifriction liner is of a ceramic material. The metal bearing in Noiles is not of a ceramic material since it is fashioned with a number of recesses (hub 34 etc.). This cannot be done in ceramic.

In the present invention, the ceramic antifriction liner is made without external recesses. To remove the antifriction shell (2), at least one recess (3) is arranged in the metal shell (1) on the surface in contact with the antifriction shell (2). See pending claim 3.

For a claim to be anticipated by a reference that single reference must show each and every feature of the claimed invention arranged as in the claim. It is submitted that Noiles cannot anticipate now pending claims 1 to 4. It is further submitted that Noiles does not render the claimed subject matter obvious.

With respect to the rejection of claims 3 and 4, it is clear that the rejection does not meet the above standard and that the reference does not show each and every limitation as arranged in the claims.

Claim 5 has been rejected under 35 USC 103 as unpatentable over Noiles in view of U.S. Patent 4,813,959 to Cremascoli. It is submitted that the rejection is improper and should be withdrawn.

Claim 5 has been cancelled but the limitation of claim 5 has been introduced into claim 1. It is submitted that any rejection of claim 1 based on a combination of references is likewise improper.

Cremascoli describes a total hip prosthesis which appears to be formed in part from a metal shell and a ceramic component. However, the ceramic component is coupled to the metal element by hot or cold casting, and is held securely in place by the high pressure which develops between the outer ceramic surfaces and inner metal surfaces after cooling of the metal (see col. 2, lines 1-5). That part of the ceramic component surface not intended to be coupled to the metal is then covered with a single, double, or plural layer of crushed granular material (see col. 2, lines 5-8).

It is submitted that this reference either alone or in combination does not show or suggest the claimed subject matter. In the Cremascoli structure, the ceramic shall not be removed after the shell is formed since it is cast into the external shell. Thus, this reference does not show or suggest a salient feature of the now claimed the invention, i.e., the antifriction liner is removably fixed in the metal shell. As explained in the specification, the antifriction liner is removably fixed in such a manner that its removable does not require the destruction of the liner or the shell.

It is submitted that the combination of references is improper and is the product of hindsight reconstruction and fails to consider the references in their entirety. It is clear from the intricate machining required for the bearing 13 of Noiles that such an element cannot be made of ceramic. Further, the ceramic portion of the Cremascoli structure is part of the external shell (see Fig. 1) and is formed so as to be non-removable. The combination of these references would be contrary to one another since each discloses a different element for a different purpose to obtain a different result. Clearly, the rejection is the product of a pick and choose technique merely because separate elements are shown in the art. However, such does not provide motivation for a

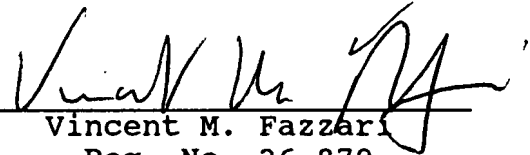
combination and the rejection does not state any specific motivation from the cited references for the combination. As such, the rejection is improper as a matter of law.

Also, none of the cited references show or suggest the claimed subject matter of claims 6 to 8.

In view of the foregoing, reconsideration and allowance of the application with claims 1 to 4 and 6 to 8 are earnestly solicited.

Respectfully submitted,

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